

ORDINANCE 98-33-CM

ESTABLISHING PURCHASING RULES AND POLICIES FOR TIPPECANOE COUNTY

WHEREAS, I.C. 5-22 (the “Act”) applies to every expenditure of public funds by a governmental body; and

WHEREAS, Tippecanoe County (the “County”) is a governmental body under the Act; and

WHEREAS, the Act requires the County to establish certain purchasing rules and policies for the County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

Section 1. The following are the purchasing rules for Tippecanoe County, Indiana:

- A. Purchase of Supplies Manufacture in the United States. Supplies manufactured in the United States shall be specified for all County purchases and shall be purchased unless the County determines that:
 - (A) the supplies are not manufactured in the United States in reasonably available quantities;
 - (B) the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
 - (C) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
 - (D) the purchase of supplies manufactured in the United States is not in the public interest.
- B. Publication of Notices
 1. Invitation for Bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the Lafayette Journal & Courier and the Lafayette Leader.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.
 2. Request for Proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 in the Lafayette Journal & Courier and the Lafayette Leader.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.
 3. Request for Specifications. All notices of request for specifications shall be published in accordance with IC 5-3-1 in the Lafayette Journal & Courier and the Lafayette Leader.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two time, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.
 4. Electronic Notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the

notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

C. Receiving Offers

1. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

2. Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.
3. Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the county's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

D. Small Purchases

The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes.

E. Restrictions on Authority of Certain Purchasing Agents

The authority of the following designated purchasing agents shall be restricted to the purchase of supplies and services the cost of which shall not exceed the following amounts:

1. County Surveyor:
 - a) Supplies: unlimited except as otherwise limited by applicable state law.
 - b) Services: unlimited except as otherwise limited by applicable state law.
2. Executive Director of the County Highway Department
 - a) Supplies: unlimited except as otherwise limited by applicable state law.
 - b) Services: unlimited except as otherwise limited by applicable state law.
3. All other elected County officials:
 - a) Supplies: \$1,000.00
 - b) Services: See Paragraph F
4. Each circuit, superior and County court judge:
 - a) Supplies: \$1,000.00
 - b) Services: See Paragraph F

F. Services

The purchasing agent may purchase services without inviting or receiving competitive bids or requests for proposals if the purchasing agent and Board of Commissioners make a written determination that the use of competitive sealed bidding or request for proposals is either not practicable or not advantageous to the County. In that event, the purchasing agent may purchase services using any procedure the Board of Commissioners considers appropriate.

G. Protection of Offers: Status of Documents as Public Records

1. Protection of offers prior to Opening. The Purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner

as to permit evaluation of the offers by the persons responsible for evaluating the offers.

3. **Public Records Status of Bids.** Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
4. **Register of Proposals.** The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

H. Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

I. Delay of Opening of Offers.

When the Board of Commissioners makes a written determination that it is in the county's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

J. Evidence of Financial Responsibility

1. **Purchases Less Than \$25,000.** The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
2. **Purchases Between \$25,000 and \$100,000.** The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. **Purchases Over \$100,000.** The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

K. Use of RFP for Purchases of Designated Types of Supplies

The County determines that:

- (A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and
- (B) Receiving proposals is the preferred method of purchasing the following types of supplies:

A List of Supplies designated for RFP purchase shall be developed and inserted by subsequent amendments.

L. Modification and Termination of Contracts.

1. **Price Adjustments.** The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:
 - (A) Price adjustments must be computed by agreement of a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;
 - (B) Price adjustment must be computed by unit prices specified in the contract or subsequently agreed upon;
 - (C) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

- (D) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or
- (E) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.
- 2. Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.
- 3. Unilateral Rights of County. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the County to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.
- 4. Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

Section 2. This Ordinance is effective upon passage and signing by the presiding officer.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read for the first time, and approved on first reading this 15th day of June, 1998, by the following vote:

<u>VOTE:</u>	BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE
YES	_____ John L. Knochel, President
YES	_____ Ruth E. Shedd, Vice President
YES	_____ Kathleen Hudson, Member

ATTEST:

Betty J. Michael, Auditor

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read in full for the second time, and adopted this 15th day of June, 1998, by the following vote:

<u>VOTE:</u>	BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE
YES	_____ John L. Knochel, President
YES	_____ Ruth E. Shedd, Vice President
YES	_____ Kathleen Hudson, Member

ATTEST:

Betty J. Michael, Auditor